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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,476	07/18/2003	George Blaisdell	12927.15US01	4568
23552	7590	03/23/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,476

Applicant(s)

BLAISDELL ET AL.

Examiner

Ajay Vasudeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11, 12, 14-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-4, 6-9, 11, 12, 14-29 and 31-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 6-9, 11, 12, 14-19, 29, and 31-33 are drawn to a subcombination of collapsible enclosure, classified in class 296, subclass 175; and class 4, subclass 599.
 - II. Claims 20-28 and 34 are drawn to a combination of boat and collapsible enclosure, classified in class 114, subclass 361.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions in Group I and Group II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

The subcombination of Group I requires a collapsible enclosure having one of the (i) rigid enclosure expandable in a vertical direction, wherein an upper region stows within a lower region (claim 1), (ii) a rigid wall pivotable upward to a vertical position, and having a seating area located a distance above the floor (claims 12 and 29), (iii) a storage compartment adjacent an interior (claim 16), and a toilet movable to a toilet storage region (claims 32 and 33).

The combination of Group II as claimed requires a combination of boat with an enclosure, but does not require the particulars of the subcombination as explained above in items (i)-(iv).

The subcombination has separate utility, such as use with recreational vehicles.

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2. In the event the Applicant elects Group I, claims 1-4, 6-9, 11, 12, 14-19, 29, and 31-33 are subject to a further restriction, as below:

III. Claims 1-4, 6-9, 11, 12, 14, 15, 29 and 31 are drawn to a subcombination of collapsible enclosure, classified in class 296, subclass 175.

IV. Claims 16-19, 32 and 33 are drawn to a combination of toilet and collapsible enclosure, classified in class 4, subclass 599.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions in Group III and Group IV are related as combination and subcombination.

As explained previously, the subcombination of Group III requires a collapsible enclosure having one of the (a) rigid enclosure expandable in a vertical direction, wherein an upper region stows within a lower region (claim 1), (b) a rigid wall pivotable upward to a vertical position, and having a seating area located a distance above the floor (claims 12 and 29).

The combination of Group IV as claimed requires a combination of toilet with an enclosure, but does not require the particulars of the subcombination as explained above in items (a) and (b).

The subcombination has separate utility, such as use with folding beds or shower stalls.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, and similarly, the search required for Group III is not required for Group IV, restriction for examination purposes as indicated is proper.

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5. A telephone call was made to Ms Karen Fitzsimmons on 3/10/2005 to request an oral election to the above restriction requirement, but did not result in an election being made because she could not be reached.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617

AV


AJAY VASUDEVA 3/10/05
PATENT EXAMINER
Au 3617